

## Update on Timeline for Dewey Burdock Permits

March 15, 2019

### I. Changes since the EPA projected the May 1, 2019 date for reissuing draft UIC permits for the Dewey Burdock project.

1.

## Ex. 5 Deliberative Process (DP)

2.

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### 3. Delay in initiation of contract work.

- a. Although we tried our best not to have it delay our development of the requirements for the geochemical model, the contract work did not begin until Feb 6, nearly six months after our expected start date (internal note: Powertech has expressed concerns about the nature of the contract work itself as well as the potential for it to delay issuance of the draft permits).
- b. Reasons for delay in start date:
  - i. The Region 8 work assignment was one of many the contracting officer had to process at the busiest time for the contracting office (end of FY18/beginning of FY19).
  - ii. Because of the government shut-down, we went past the deadline for getting the initial documents in place, (e.g. budget and work plan) so the contracting office had to issue a stop-work order. It took time after the end of the shut-down to lift all the stop-work orders issued.
- c. We are using a contractor to develop permit requirements in response to Powertech's request in comments to use a model instead of post-restoration monitoring requirements. Because we don't have this type of modelling expertise in house, we believe it will be more time efficient for

us to use contractor support than to conduct the research and training needed for EPA staff to do this work.

- d. We will want to have conversations with Powertech about the geochemical model requirements to achieve two important goals:
  - i. Provide enough specificity in the permit to reassure the public that the geochemical model can be as protective as the monitoring proposed in the first draft permit; and
  - ii. Avoid having permit requirements so prescriptive as to preclude flexibility to incorporate advances in technology in the modeling approach.

## **II. Clarifications on Statements from Azarga**

1. Blake Steel stated the following in his February 20, 2019 email:
  - a. "From previous conversations, a revised draft permit was to be completed by May 1, 2019, and potentially more quickly if we revised our request on the aquifer exemption boundary to minimise [*sic*] changes (which we have done and provided to your team)."
  - b. "...especially considering the simplification of the aquifer exemption boundary process, which when previously discussed had the potential to shave off further time from the May 1, 2019 revised draft permits issuance date."
2. Clarifications
  - a. We have clarified on more than one occasion that Powertech's decision on the AE boundary would not shorten our timeline.
  - b. We received more than 1000 pages of public comments, not including Powertech's detailed comments, and another thousand pages of documentation Powertech provided along with their comments. As we continue to review and address these comments, our understanding of the scope of our response is evolving. That is the reason we have identified the need to issue a second draft EJ analysis and ask for comment, including input from tribal consultation, on a number of topics related to EJ.
  - c. The task of presenting to the public geochemical modeling requirements in a meaningful way that will be as protective as the monitoring proposed in the first draft permit is going to be very challenging. Even with the delay in getting the contract work started, the contractor will complete this work faster than the EPA staff, given the other work the EPA staff needs to do before the second draft permits are ready to issue.